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November 20, 2018

**BY ECF**

Honorable Eric N. Vitaliano  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Brenden Lamothe v. NYC NYPD, et al.,  
17 Civ. 5992 (ENV) (VMS)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to defend the City of New York ("Defendant") in the above-referenced matter. I write in reference to the Court's November 15, 2018 Order regarding the Bundling Rule and Local Civil Rule 7.2.

By way of background, on May 25, 2018, Defendant filed a Notice of Motion, Declaration of Motion, and Memorandum of Law in Support of Defendant's Motion to Dismiss for Failure to State a Claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. On November 15, 2018, the Court issued an Order, informing the undersigned that Defendant filed its motion on the docket before full briefing. The Order further stated that Defendant has not provided the Court with a cover letter indicating whether the *pro se* plaintiff served any opposition to which a reply would be required. The Court, therefore, directed Defendant to file a supplemental letter clarifying whether plaintiff served any opposition to the motion. In response to the Court's Order, plaintiff did not serve any opposition to the motion.

Further, the Court directed Defendant to file the outstanding Rule 7.2 affidavit. However, upon review of the case file, Defendant did not send plaintiff the unpublished cases as required by Rule 7.2. The undersigned apologizes to the Court for this oversight. Therefore, on November 16, 2018, Defendant sent Plaintiff, via certified mail, a Rule 7.2 statement, all of the unpublished cases cited to in Defendant's Memorandum of Law in Support of its Motion to

Dismiss, as well as all of the motion papers that were filed with the Court on May 25, 2018 and also previously served on Plaintiff. Defendant will also be filing an affidavit of service for the Rule 7.2 statement and an affidavit of service for this letter and the Court's November 16, 2018 Order.

Thank you for your attention to this matter.

Respectfully submitted,

/s/

Joseph Rizza  
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Special Federal Litigation Division

cc: Brenden Lamothe  
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*(By First Class Mail)*